

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

INTELLECTUAL VENTURES II LLC,

Plaintiff,

-against-

JP MORGAN CHASE & CO., JPMORGAN  
CHASE BANK, NATIONAL ASSOCIATION,  
CHASE BANK USA, NATIONAL  
ASSOCIATION, CHASE PAYMENTECH  
SOLUTIONS LLC, and PAYMENTECH LLC,

Defendants.

**13 Civ. 03777 (AKH)**

**ECF CASE**

**JURY TRIAL DEMANDED**

**DECLARATION OF MICHAEL A. FELDMAN IN SUPPORT OF DEFENDANTS'  
MOTION TO STRIKE PLAINTIFF'S INFRINGEMENT CONTENTIONS**

I, Michael A. Feldman, declare and state as follows:

1. I am attorney with the law firm of Durie Tangri LLP and I am one of the attorneys representing JP Morgan Chase & Co., JPMorgan Chase Bank, National Association, Chase Bank USA, National Association, Chase Paymentech Solutions LLC, and Paymentech LLC (collectively "Defendants"). I have personal knowledge of the facts set forth herein, and if called upon to testify, I could and would testify to the statements made herein. I submit this declaration in support of defendants' motion to strike plaintiff's infringement contentions.

2. **Exhibit A**, attached to this declaration, is a true and accurate copy of excerpts from the Hearing before Judge Hellerstein held on March 6, 2014.

3. **Exhibit B**, attached to this declaration, is a true and accurate copy an email from Mike Rutledge, paralegal for Feinberg Day, counsel for Plaintiff serving Plaintiff's Infringement

Contentions, dated April 11, 2014.

4. **Exhibit C**, attached to this declaration, is a true and accurate copy of Plaintiff's Infringement Contentions, erroneously dated February 27, but actually served April 11, 2014 (*see* Exhibit B).

5. **Exhibit D**, attached to this declaration, is a true and accurate copy of excerpts from the Hearing before Judge Hellerstein held on August 20, 2014.

6. **Exhibit E**, attached to this declaration, is a true and accurate copy of a document IV has produced, Bates labeled IV2SUNTRUST-0022887.

7. **Exhibit F**, attached to this declaration, is a true and accurate copy of Plaintiff's Supplemental Infringement Contentions, dated September 30, 2014.

8. **Exhibit G**, attached to this declaration, is a list of the *newly* accused products and vendors in Plaintiff's Final Infringement Contentions. Both Plaintiff's Initial and Final Infringement Contentions are so vague that it is difficult to tell which products Plaintiff accuses, whether it accuses a particular product, or how Plaintiff believes any named products infringe. Nevertheless, **Exhibit G** represents Defendants' good-faith effort to identify the products Plaintiff accuses in its Final Infringement Contentions that were not named in Plaintiff's Initial Infringement Contentions.

9. **Exhibit H**, attached to this declaration, is a true and accurate copy of excerpts from Plaintiff's Response to Defendants' Revised First Set of Interrogatories.

10. **Exhibit I**, attached to this declaration, is a true and accurate copy of excerpts from the Hearing before Judge Hellerstein held on May 8, 2014.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct. Executed on October 10, 2014 in San Francisco, CA.

*/s/ Michael A. Feldman*

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Michael A. Feldman

**CERTIFICATE OF SERVICE**

I, Clement S. Roberts hereby certify that on October 10, 2014 the within document was filed with the Clerk of the Court using CM/ECF which will send notification of such filing( s) to the following; that the document was served on the following counsel as indicated; and that the document is available for viewing and downloading from CM/ECF.

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*/s/ Clement S. Roberts*

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